

REMARKS

Amendments to claims 1 and 19 are for the purpose of clarifying what Applicant regards as the invention. Amendments to claims 3 and 9 are to correct antecedent basis. Amendments to claims 10, 14, 21, and 22 are to bring these claims into conformity with the language of their respective base claim(s). Amendment to claim 11 is to change claim dependency. No new matter has been added.

I. CLAIM REJECTIONS UNDER § 112

Claim 3 stand rejected under 35 U.S.C. § 112, second paragraph, as lacking antecedent basis. Claim 3 has been amended to remove the alleged deficiency pointed out in the Office Action.

II. CLAIM REJECTIONS UNDER § 102

Claims 1, 2, 6-9, and 18-20 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by US Patent Application Publication No. 2001/0042214 (Radatti). Applicant respectfully notes that in order to sustain a claim rejection under § 102, each of the claimed elements must be disclosed, either expressly or inherently, in the cited reference.

Claim 1 has been amended to recite “store the network traffic content in a stack when the protocol of the network traffic content matches the prescribed protocol, wherein the stack is associated with a module configured to determine whether the network traffic content contains content desired to be detected, and send at least a portion of the network traffic content to a memory when the protocol of the network traffic content matches the prescribed protocol.” Claim 19 has been amended to recite similar limitations. Radatti does not disclose the above limitations. Rather, Radatti discloses a protocol scanner for sending code to a proscribed code scanner, which is configured to detect content desired to be detected (paragraphs 16, 37, and figure 1). There is nothing in Radatti that discloses or suggests both storing the network traffic content in a stack, and sending at least a portion of the network traffic content to a memory, when the protocol of a network traffic content matches a prescribed protocol. According to the

Office Action, it is necessary for the protocol scanner to store traffic content in a stack. Even assuming that it is true, Radatti still does not disclose that the content is sent to a memory in addition to being sent to the stack for processing when a protocol of the content matches a prescribed protocol. For at least the foregoing reasons, claims 1 and 19, and their respective dependent claims, are believed allowable over Radatti.

III. CLAIM REJECTIONS UNDER § 103

Claims 3-5, 10-17, and 21-31 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Radatti. Claims 23-26 have been canceled, thereby rendering the claim rejections under § 103 with respect to these claims moot.

Claim 27 recites (1) flag the network traffic content, and (2) send a copy of the network traffic content to a second processor, the second processor configured to determine whether the network traffic content contains content desired to be detected. Claim 30 recites similar limitations. Radatti does not disclose or suggest both of these limitations. Rather, Radatti discloses sending data to a proscribed code scanner (figure 1) which is configured to detect content desired to be detected (paragraph 16).

According to the Office Action, Radatti allegedly discloses or suggests flagging data because sending the data to the proscribed code scanner is considered effectively flagging the data. However, Applicant respectfully submits that claims 27 and 30 describe both flagging network traffic content, and sending a copy of the network traffic content to a processor/module configured to determine whether the network traffic content contains content desired to be detected. As such, a determination that sending data to a processor/module for detecting content is flagging the data would render the limitation regarding flagging the network traffic content superfluous. For at least the foregoing reasons, claims 27 and 30, and their respective dependent claims, are believed allowable over Radatti.

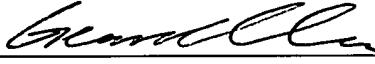
CONCLUSION

Based on the foregoing, all claims are in condition for allowance, which is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7035332001. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-2518, referencing billing number 7035332001.

Respectfully submitted,
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